

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:01CV369
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
STUTE COMPANY, INC.,)	
S.R. LIVESTOCK, INC.,)	
STATE BANK OF BENKELMAN,)	
NEBRASKA and A.M. HAHN,)	
)	
Defendants.)	

This is a mortgage foreclosure action. Upon the affirmance and limited remand of the United States Court of Appeals for the Eighth Circuit, and the mandate of that court, the portions of this action that were properly appealed to the Eighth Circuit were dismissed as moot in a May 31, 2005 order of this court. (Filing 74). (Filing 83, mandate.) That May 31 order directed the government to advise whether it wished to withdraw its February 12, 2004 motion to vacate judgment and dismiss the complaint (filing 74), and provided that all other parties had 10 days after the government's response to advise the court of their views on filing 74.

The government has filed a notice of "Confirmation of Release of Lien" (filing 79) and, on June 2, 2005, a "Withdrawal of Motion to Vacate Judgment and Dismiss Complaint" (filing 85). There has been no response to the government's notice of withdrawal of its motion. I find that filing 85 should be withdrawn and that judgment closing this action should be entered.

Accordingly,

IT IS ORDERED:

1. The Clerk of the Court shall make an entry on its computer-assisted record-keeping system indicating that filing 74, the government's motion to vacate judgment and dismiss the complaint, is hereby withdrawn.

2. Judgment closing this action shall be entered by separate order.

DATED: June 20, 2005.

BY THE COURT:

s/Richard G. Kopf
United States District Judge